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STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION
DEPARTMENT OF ENERGY

October 4, 2023 - 10:10 a.m.
21 South Fruit Street
Suite 10
Concord, NH

RE: DRM 23-083 RULEMAKING:
New Hampshire Code of Administrative
Rules Puc Chapter 700 Rules for
Sewer Utilities.
RUL 2023-004 DEPARTMENT OF ENERGY:
Chapter En 700 Rules for Sewer
Utilities.

PRESENT: Eric J. Wind, Esq.
PUC Legal Advisor/Hearings Examiner
(Presiding as Presiding Officer for PUC)

Andrew J. Harmon, Esq.
DOE Hearing Examiner/Enforcement Division
(Presiding as Presiding Officer for DOE)

Tracey Russo, Clerk

APPEARANCES: *(No appearances taken)*

Court Reporter: Steven E. Patnaude, LCR No. 52

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I N D E X

PAGE NO.

PUBLIC COMMENTS BY:

Marcia Brown

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P R O C E E D I N G

1
2 PRESIDING OFCR. WIND: All right. Good
3 morning. We are here for a joint public comment
4 hearing relating to the Public Utilities
5 Commission and Department of Energy's Chapter 700
6 rules, rules for sewer utilities. These rule
7 sets, when taken together, are not intended to
8 substantively change the existing rules. Rather,
9 they are intended to reflect the division of
10 regulatory responsibilities between the
11 Commission and the Department of Energy following
12 the establishment of the Department in July of
13 2021.

14 My name is Eric Wind. I am a Senior
15 Advisor at the Commission. And I will serve as
16 the Designee for the Chairman of the Commission
17 for this hearing. This hearing occurs in
18 Commission Docket DRM 23-083.

19 Attorney Harmon.

20 PRESIDING OFCR. HARMON: Thank you.
21 Good morning. I'm Andrew Harmon, Hearing
22 Examiner with the Department of Energy. And I am
23 serving as the Designee of the Commissioner of
24 the Department of Energy.

1 The Department is here to receive
2 comments on the DOE's proposed new En 700 rules.
3 These rules are new, but, taken together with the
4 PUC's 700 rules, they're not intended to
5 substantively change the existing rules, and
6 merely they are intended to reflect the division
7 of regulatory responsibilities.

8 Thank you.

9 PRESIDING OFCR. WIND: All right.
10 Let's go around the room. Attorney Chiavara, do
11 you have any comments on the 700 rules?

12 MS. CHIAVARA: I have nothing for the
13 700 rules. Thank you.

14 PRESIDING OFCR. WIND: Attorney Brown?

15 MS, BROWN: Good morning. And my
16 apologies for still not being able to pull up a
17 copy of DOE's 700 proposed rules. But I will
18 speak with respect to the existing PUC's 703.03
19 rule, and however it's referenced in the new DOE
20 rules.

21 PRESIDING OFCR. WIND: Okay.

22 MS, BROWN: That particular rule
23 pertains to "Disconnection of Service". And many
24 of our clients get that it's against public

1 policy to prohibit disconnection of sewer,
2 because of the mess that that makes.

3 But, in taking away that enforcement
4 mechanism, we're going to brainstorm to try to
5 suggest that the DOE consider some other method,
6 perhaps leveraging with other utilities to
7 collect bills, or allowing that by rule, so that
8 some other utility can be stopped, disconnected,
9 somehow offer leverage.

10 Because the way that the 703.03 rule
11 operates in practice now is the bill has to get
12 very large before the Company finds it worthwhile
13 to hire an attorney to pursue it in court.
14 There's no way to stop it sooner at a smaller
15 amount owed. So, you will see some comments from
16 me on 703.03.

17 Other than that, no other comments on
18 the 700 rules. Thank you.

19 PRESIDING OFCR. HARMON: Very good.
20 Thank you.

21 And I think you'll find that that's at
22 703.02 in the En rules. But I don't believe
23 there was any -- I certainly don't think there
24 was any change in the rule. So, your comments

1 are well taken.

2 Thank you.

3 PRESIDING OFCR. WIND: All right.
4 Seeing no other requests for indications of
5 intent to comment, I will note that, before we
6 close this hearing, under the PUC's rulemaking
7 notice, we are accepting written comments through
8 October 13, 2023.

9 Attorney Harmon, what's the date for
10 the DOE?

11 PRESIDING OFCR. HARMON: We are
12 receiving comments on both sets of rules through
13 the 18th.

14 Thank you.

15 PRESIDING OFCR. WIND: And joint
16 comments filed with both the Commission and the
17 DOE are acceptable, too?

18 PRESIDING OFCR. HARMON: They certainly
19 are. Is our date later than yours?

20 PRESIDING OFCR. WIND: It is.

21 PRESIDING OFCR. HARMON: I don't think
22 we have to make any change on that. But,
23 certainly, if they're submitted jointly, that
24 would be fine with all.

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Okay. That's all.

PRESIDING OFCR. WIND: All right.

Thank you all for your time here this morning.

***(Whereupon the joint public comment
hearing was adjourned at 10:14 a.m.)***